

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2008-0451-AIR-E TCEQ ID: RN102561925 CASE NO.: 35551
RESPONDENT NAME: The Goodyear Tire & Rubber Company

Page 1 of 2

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Goodyear Tire & Rubber Beaumont Chemical Plant, 11241 Interstate Highway 10, Beaumont, Jefferson County</p> <p>TYPE OF OPERATION: Rubber manufacturing plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on September 8, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: SEP Coordinator: Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768 TCEQ Enforcement Coordinator: Ms. Suzanne Walrath, Enforcement Division, Enforcement Team 3, MC 149, (512) 239-2134; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Bradley E. Ioerger, Plant Manager, The Goodyear Tire & Rubber Company, 11241 Interstate Highway 10, Beaumont, Texas 77713 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: February 8, 2008</p> <p>Date of NOE Relating to this Case: February 29, 2008 (NOE)</p> <p>Background Facts: This was a record review.</p> <p>AIR</p> <p>Failure to adhere to the permitted weekly maximum allowable emission rate averages at the 840 Unit Finishing Process [Emission Point Number ("EPN") 236F] and the 880 Unit Finishing Process (EPN 286F). Specifically, EPN 236F is limited to an average of 149.0 pounds per hour (lbs./hr.) of volatile organic compounds ("VOCs") and EPN 286F is limited to an average of 188.1 lbs./hr. of VOCs. EPN 236F's emission average for the week ending January 25, 2007 was 182.0 lbs./hr. (32 lbs. over the permitted allowable limit), and the average for the week ending February 1, 2007 was 206.6 lbs./hr. (57.6 lbs. over the permitted allowable limit); and EPN 286F's emission average for the week ending May 31, 2007 was 230.6 lbs./hr. (42.5 lbs. over the permitted allowable limit) [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c), 122.143(4), Air Permit No. 9481, Special Condition Nos. 1 and 6, Federal Operating Permit No. O-01593, General Terms and Conditions, Special Condition No. 12, and TEX. HEALTH & SAFETY CODE § 382.08(b)].</p>	<p>Total Assessed: \$16,650</p> <p>Total Deferred: \$3,330 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$6,660</p> <p>Total Paid to General Revenue: \$6,660</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p> <p>2) The Order will also require the Respondent to:</p> <p>a) Within 30 days after the effective date of this Agreed Order, conduct training for all Plant personnel responsible for maintaining the permitted weekly emission rates for EPN 236F and 286F in order to prevent further emission rate exceedances; and</p> <p>b) Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation to demonstrate compliance with Ordering Provision No. 2.a.</p>

Additional ID No(s): JE0039N

Attachment A
Docket Number: 2008-0451-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	The Goodyear Tire & Rubber Company
Payable Penalty Amount:	Thirteen Thousand Three Hundred Twenty Dollars (\$13,320)
SEP Amount:	Six Thousand Six Hundred Sixty Dollars (\$6,660)
Type of SEP:	Pre-approved
Third-Party Recipient:	South East Texas Regional Planning Commission-West Port Arthur Home Energy Efficiency Program
Location of SEP:	Jefferson County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to conduct home energy audits and to assist low income residents in the West Port Arthur area by weatherizing their homes which will improve their homes' energy efficiency. SEP monies will be used to pay for the cost of caulking and insulating homes, replacing heating and cooling systems and major appliances with new, energy efficient equipment.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter, volatile organic compounds, and nitrogen oxides associated with the combustion of fuel and generation of electricity. Additionally, the improvements will improve homes as shelters for responding to emergency releases.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

South East Texas Regional Planning Commission
Transportation and Environmental Resources
Bob Dickenson, Director
2210 Eastex Freeway
Beaumont, Texas 77703

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision February 29, 2008

TCEQ
DATES

Assigned	3-Mar-2008
PCW	8-Apr-2008
Screening	10-Mar-2008
EPA Due	25-Nov-2008

RESPONDENT/FACILITY INFORMATION

Respondent	The Goodyear Tire & Rubber Company		
Reg. Ent. Ref. No.	RN102561925		
Facility/Site Region	10-Beaumont	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	35551	No. of Violations	1
Docket No.	2008-0451-AIR-E	Order Type	1660
Media Program(s)	Air	Enf. Coordinator	Suzanne Walrath
Multi-Media		EC's Team	Enforcement Team 3
Admin. Penalty \$	Limit Minimum	\$0	Maximum
		\$10,000	

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History Enhancement Subtotals 2, 3, & 7

Notes: The Respondent has received two NOV's for same or similar violations, and 19 NOV's for not same or similar violations, eight agreed orders containing a denial of liability, and one agreed findings order.

Culpability EnhancementSubtotal 4

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply ReductionSubtotal 5

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes: The Respondent does not meet the good faith criteria.

Total EB Amounts	\$261
Approx. Cost of Compliance	\$3,000

0% Enhancement*
*Capped at the Total EB \$ Amount

Subtotal 6

SUM OF SUBTOTALS 1-7

Final Subtotal

OTHER FACTORS AS JUSTICE MAY REQUIRE

Adjustment

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty

DEFERRAL

Reduction

Adjustment

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

Screening Date 10-Mar-2008

Docket No. 2008-0451-AIR-E

PCW

Respondent The Goodyear Tire & Rubber Company

Policy Revision 2 (September 2002)

Case ID No. 35551

PCW Revision February 29, 2008

Reg. Ent. Reference No. RN102561925

Media [Statute] Air

Enf. Coordinator Suzanne Walrath

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	2	10%
	Other written NOVs	19	38%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	8	160%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 233%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The Respondent has received two NOVs for same or similar violations, and 19 NOVs for not same or similar violations, eight agreed orders containing a denial of liability, and one agreed findings order.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 233%

Screening Date 10-Mar-2008

Docket No. 2008-0451-AIR-E

PCW

Respondent The Goodyear Tire & Rubber Company

Policy Revision 2 (September 2002)

Case ID No. 35551

PCW Revision February 29, 2008

Reg. Ent. Reference No. RN102561925

Media [Statute] Air

Enf. Coordinator Suzanne Walrath

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c), 122.143(4), Air Permit No. 9481, Special Condition Nos. 1 and 6, Federal Operating Permit No. O-01593, General Terms and Conditions, Special Condition No. 12, and Tex. Health & Safety Code § 382.08(b)

Violation Description

Failed to adhere to the permitted weekly maximum allowable emission rate averages at the 840 Unit Finishing Process (EPN 236F) and the 880 Unit Finishing Process (EPN 286F). Specifically, EPN 236F is limited to an average of 149.0 pounds per hour (lbs./hr.) of volatile organic compounds (VOCs) and EPN 286F is limited to an average of 188.1 lbs./hr. of VOCs. EPN 236F's emission average for the week ending January 25, 2007 was 182.0 lbs./hr. (32 lbs. over the permitted allowable limit), and the average for the week ending February 1, 2007 was 206.6 lbs./hr. (57.6 lbs. over the permitted allowable limit); and EPN 286F's emission average for the week ending May 31, 2007 was 230.6 lbs./hr. (42.5 lbs. over the permitted allowable limit).

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 2

21 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$5,000

Two quarterly events are recommended (one quarter for each EPN) as documented by the record review conducted on February 8, 2008.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$261

Violation Final Penalty Total \$16,650

This violation Final Assessed Penalty (adjusted for limits) \$16,650

Economic Benefit Worksheet**Respondent** The Goodyear Tire & Rubber Company**Case ID No.** 35551**Reg. Ent. Reference No.** RN102561925**Media** Air**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$3,000	25-Jan-2007	21-Oct-2008	1.7	\$261	n/a	\$261
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

These are estimated costs for conducting additional training and oversight at the Plant in order to prevent further VOC exceedances for EPN 236F and 286F, beginning on the last day of the first week of exceedance, and ending on the projected date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs**Approx. Cost of Compliance**

\$3,000

TOTAL

\$261

Compliance History

Customer/Respondent/Owner-Operator:	CN600616049	The Goodyear Tire & Rubber Company	Classification: AVERAGE	Rating: 3.90
Regulated Entity:	RN102561925	GOODYEAR TIRE & RUBBER BEAUMONT CHEMICAL PLANT	Classification: AVERAGE	Site Rating: 21.69
ID Number(s):	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID		TXD008077190
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)		30012
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT		50379
	AIR NEW SOURCE PERMITS	PERMIT		3522
	AIR NEW SOURCE PERMITS	PERMIT		7858
	AIR NEW SOURCE PERMITS	PERMIT		9481
	AIR NEW SOURCE PERMITS	PERMIT		15198
	AIR NEW SOURCE PERMITS	PERMIT		15501
	AIR NEW SOURCE PERMITS	PERMIT		16052
	AIR NEW SOURCE PERMITS	PERMIT		20040
	AIR NEW SOURCE PERMITS	PERMIT		22110
	AIR NEW SOURCE PERMITS	PERMIT		32349
	AIR NEW SOURCE PERMITS	PERMIT		35402
	AIR NEW SOURCE PERMITS	PERMIT		38755
	AIR NEW SOURCE PERMITS	PERMIT		44284
	AIR NEW SOURCE PERMITS	PERMIT		45078
	AIR NEW SOURCE PERMITS	PERMIT		47289
	AIR NEW SOURCE PERMITS	PERMIT		48286
	AIR NEW SOURCE PERMITS	PERMIT		49684
	AIR NEW SOURCE PERMITS	PERMIT		49769
	AIR NEW SOURCE PERMITS	PERMIT		50166
	AIR NEW SOURCE PERMITS	PERMIT		50108
	AIR NEW SOURCE PERMITS	PERMIT		50257
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER		JE0039N
	AIR NEW SOURCE PERMITS	REGISTRATION		72103
	AIR NEW SOURCE PERMITS	PERMIT		51694
	AIR NEW SOURCE PERMITS	PERMIT		53698
	AIR NEW SOURCE PERMITS	PERMIT		55427
	AIR NEW SOURCE PERMITS	REGISTRATION		75848
	AIR NEW SOURCE PERMITS	REGISTRATION		70115
	AIR NEW SOURCE PERMITS	REGISTRATION		56840
	AIR NEW SOURCE PERMITS	AFS NUM		4824500016
	AIR NEW SOURCE PERMITS	PERMIT		56473
	AIR NEW SOURCE PERMITS	REGISTRATION		70230
	AIR NEW SOURCE PERMITS	PERMIT		70645
	AIR NEW SOURCE PERMITS	REGISTRATION		70684
	AIR NEW SOURCE PERMITS	PERMIT		52447
	AIR NEW SOURCE PERMITS	PERMIT		50664
	AIR NEW SOURCE PERMITS	PERMIT		53063
	AIR NEW SOURCE PERMITS	PERMIT		52770
	AIR NEW SOURCE PERMITS	PERMIT		53364
	AIR NEW SOURCE PERMITS	PERMIT		53766
	AIR NEW SOURCE PERMITS	PERMIT		56478
	AIR NEW SOURCE PERMITS	PERMIT		53791
	AIR NEW SOURCE PERMITS	REGISTRATION		73651
	AIR NEW SOURCE PERMITS	REGISTRATION		75152
	AIR NEW SOURCE PERMITS	REGISTRATION		70810
	AIR NEW SOURCE PERMITS	PERMIT		50379
	AIR NEW SOURCE PERMITS	REGISTRATION		76700
	AIR NEW SOURCE PERMITS	REGISTRATION		77192
	AIR NEW SOURCE PERMITS	REGISTRATION		77850
	AIR NEW SOURCE PERMITS	REGISTRATION		78238
	AIR NEW SOURCE PERMITS	REGISTRATION		79310
	AIR NEW SOURCE PERMITS	REGISTRATION		80196
	AIR NEW SOURCE PERMITS	REGISTRATION		81080
	AIR NEW SOURCE PERMITS	REGISTRATION		81134

AIR NEW SOURCE PERMITS	REGISTRATION	81249
AIR NEW SOURCE PERMITS	REGISTRATION	81756
AIR NEW SOURCE PERMITS	REGISTRATION	81899
AIR NEW SOURCE PERMITS	REGISTRATION	83918
AIR NEW SOURCE PERMITS	REGISTRATION	82620
AIR NEW SOURCE PERMITS	REGISTRATION	84420
AIR NEW SOURCE PERMITS	REGISTRATION	82794
AIR NEW SOURCE PERMITS	REGISTRATION	83937
AIR NEW SOURCE PERMITS	REGISTRATION	82675
AIR NEW SOURCE PERMITS	REGISTRATION	83673
AIR NEW SOURCE PERMITS	REGISTRATION	83919
AIR NEW SOURCE PERMITS	REGISTRATION	83183
AIR NEW SOURCE PERMITS	REGISTRATION	83596
WASTEWATER	PERMIT	WQ0000519000
WASTEWATER	PERMIT	TPDES0005061
WASTEWATER	PERMIT	TX0005061
AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0039N
AIR OPERATING PERMITS	PERMIT	1593
AIR OPERATING PERMITS	PERMIT	2294
WASTEWATER LICENSING	LICENSE	WQ0000519000

Location: 11241 IH 10, BEAUMONT, TX, 77713

Rating Date: September 01 07 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: April 08, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: March 10, 2003 to March 10, 2008

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Suzanne Walrath Phone: 512/239-2134

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 03/31/2003

ADMINORDER 2002-0879-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC3A PERMIT

Description: Failure to comply with permitted nitrogen oxide emission limits.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
30 TAC Chapter 117, SubChapter B 117.205(f)(1)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Not specified PERMIT

Description: Failure to comply with permitted nitrogen oxide and carbon monoxide emission limits.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Part 60, Subpart Db 60.48b(c)
40 CFR Part 60, Subpart Db 60.48b(e)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Not specified PERMIT
SC13 PERMIT

Description: Failure to record NOx CEMS emissions data.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Not specified PERMIT
SC14C PERMIT

SC14D PERMIT

Description: Failure to perform stack sampling to establish the actual pattern and quantities of air contaminants being emitted into the atmosphere.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: Failure to prevent unauthorized emissions from entering the atmosphere.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: Failure to prevent unauthorized emissions from entering the atmosphere.

Effective Date: 01/30/2005 ADMINORDER 2004-0393-AIR-E

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: Failure to prevent the emission of an air contaminant that will contribute to air pollution.

Effective Date: 05/09/2005 ADMINORDER 2004-0802-AIR-E

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: Failure to maintain an emission rate below the allowable emission limit at the 840 Reactor Unit on January 19, 2003.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: Failure to maintain an emission rate below the allowable emission limit at the Natsyn Unit on February 3, 2003.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: Failure to maintain an emission rate below the allowable emission limit at the 880 Unit on February 26, 2003.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: Failure to maintain an emission rate below the allowable emission limit at the 840 Unit on April 15, 2003.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: Failure to maintain an emission rate below the allowable emission limit at the 880 Budene Unit on May 30, 2003.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: Failure to maintain an emission rate below the allowable emission limit at the Utilities area on July 14-15, 2003.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
Description: Failure to maintain an emission rate below the allowable emission limit at the 840 Tiba Tank Farm on October 17, 2003.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
Description: Failure to maintain an emission rate below the allowable emission limit at the 870 Unit on November 22, 2003.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
Description: Failure to maintain an emission rate below the allowable emission limit at the Unit 821 Old Loading Rack on August 31, 2003, November 6, 2003, January 7, 2004, and January 25, 2004.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
Description: Failure to maintain an emission rate below the allowable emission limit at the 840 Unit on February 2, 2004.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
Description: Failure to maintain an emission rate below the allowable emission limit at the 870 Unit on February 2, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9481 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limit at the Crumb Tank Vent Condenser from January 1, 2002 to February 19, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 38755 and N016 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limit at the 850 Unit on March 2, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 38755 and N016 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limit at the 850 Unit on May 31, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter K 106.262(2)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to maintain an emission rate below the allowable emission limit at the 850 Finishing Building on January 12-13, 2003, April 16-17, 2003, May 4-5, 2003, July 25-31, 2003, and September 19-20, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9481, SC 1 PERMIT
9481, SC 5B PERMIT

Description: Failure to maintain an emission rate below the allowable emission limit at the 840 Budene Unit on October 1, 2003.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: Failure to maintain an emission rate below the allowable emission limit at the 870 Unit on October 25, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 38755 and N016 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limit at the Budene 850 Unit on December 1, 2003.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: Failure to maintain an emission rate below the allowable emission limit at the 840 Budene Unit pipe rack on January 9, 2004.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: Failure to maintain an emission rate below the allowable emission limit at the 870 Unit on January 11, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 1040, SC 1 PERMIT
1040, SC 3 PERMIT

22110, SC 1 PERMIT
22110, SC 4B PERMIT

Description: Failure to maintain an emission rate below the allowable emission limit at the 870 Unit on February 2-3, 2004.

Effective Date: 10/24/2005

ADMINORDER 2005-0124-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to obtain a permit prior to the release of emissions.

Effective Date: 01/26/2006

ADMINORDER 2005-0676-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: MAERT OP
MAERT PERMIT

Description: Failed to maintain emission rates below allowable limit and failed to prevent unauthorized emissions.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(D)

30 TAC Chapter 101, SubChapter F 101.201(a)(2)(E)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to include all required information on the initial report of an emission event

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(4)

30 TAC Chapter 101, SubChapter F 101.201(b)(5)

30 TAC Chapter 101, SubChapter F 101.201(b)(8)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to include all required information on the final reports for emission events.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.211(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to properly report to the regional office a maintenance activity which occurred July 6-9, 2004.

Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter U 106.476

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to meet the conditions of a Permit By Rule and prevent unauthorized emissions.

Effective Date: 07/14/2006

ADMINORDER 2005-2074-AIR-E

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to submit initial notification within 24 hours from the discovery date for a reportable emissions event

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 22110, Special Condition 1 PERMIT

Description: Failed to maintain a solenoid on the water valve causing the flare to blow out which caused release of emissions that exceeded permit limits

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(8)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to maintain visible emissions below the 30 percent opacity limit, for any six-minute period.

Effective Date: 06/29/2007

ADMINORDER 2005-1671-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9481, SC 4 PERMIT

Special Terms and Conditions (STC) 12A OP

Description: Failed to sample cooling tower emissions.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 1040, SC 4F PERMIT

22110, SC 5F PERMIT

9481, SC 7F PERMIT

O-01593, SC 12A OP

Description: Failed to sample fugitive emission components.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(c)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT U 63.502(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-01593, SC 1A OP
SC 2 PERMIT

STC 12. A. OP

Description: Failed to conduct timely repair attempts on leaking fugitive emission components.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)

30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(c)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT U 63.502(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 22110, SC 2 PERMIT
O-01593, SC 12A OP

O-01593, SC 1A OP
STC 1D OP

Description: Failed to conduct a second monitoring of a repaired component.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)

30 TAC Chapter 113, SubChapter C 113.260
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT U 63.502(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-01593, SC 1A OP
O-01593, SC 1D OP

Description: Failed to properly isolate a pump from the process.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)

30 TAC Chapter 113, SubChapter C 113.260
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(c)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT U 63.502(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9481, SC 7H PERMIT
O-01593, SC 12A OP

O-01593, SC 1A OP
O-01593, SC 1D OP

Description: Failed to conduct timely repairs on leaking fugitive emission components in the 840 and 880 Units.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)

30 TAC Chapter 113, SubChapter C 113.260
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(c)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT U 63.502(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 22110, SC 2 PERMIT
22110, SC 5F PERMIT

O-01593, SC 12A OP
O-01593, SC 1A OP
STC, 1.D. OP

Description: Failed to conduct timely repairs on leaking fugitive emission components in the Isoprene Unit.
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)

30 TAC Chapter 113, SubChapter C 113.260
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT U 63.502(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 1040, SC 4E PERMIT
22110, SC 2 PERMIT

22110, SC 5E PERMIT
9481, SC 7E PERMIT
O-01593, SC 12A OP
O-01593, SC 1A OP
O-01593, SC 1D OP

Description: Failed to install a second valve, a blind flange, or a tightly-fitting plug or cap on open ended lines install a second valve, a blind flange, or a tightly-fitting plug or cap on open ended lines in the 840 and 880 Units.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 113, SubChapter C 113.260

30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT U 63.502(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-01593, SC 1A OP
O-01593, SC 1D OP

Description: Failed to maintain visual inspection records.
Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 1040, SC 4F PERMIT
O-01593, SC 12A OP

Description: Failed to properly monitor a fugitive emission component.
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 113, SubChapter C 113.100

30 TAC Chapter 113, SubChapter C 113.260
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9481, SC 5A PERMIT

O-01593, SC 12A OP

O-01593, SC 1A OP

O-01593, SC 1D OP

O-01593, SC 1F OP

Description: Failed to operate the Budene Flare (Unit ID 3Q504) using gas with a net heating value of less than 300 BTU/scf.

Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-01593, SC 1A OP

Description: Failed to record the time of day or whether the flare was smoking in the daily flare operation log for the 870 Unit 3Q503 Wing Flare and the 3Q504 Budene Flare.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-01593, SC 11 OP

Description: Failed to measure and record the pilot flame for the 870 Unit 3Q503 Wing Flare and for the 880 Unit 3Q504 Budene Flare.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: STC - Additional Monitoring Requirements OP

Description: Failed to maintain the Tiba Solution Tank's, the NBL Storage Tank's, and the Modifier Makeup Tank's contents above the fill pipe.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 113, SubChapter C 113.260

30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT U 63.506(b)(1)(i)(A)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-01593, SC 1D OP
O-01593, SC 1F OP

Description: Failed to keep complete startup, shutdown, and maintenance records.

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter C 115.216(3)(A)(iii)
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-01593, SC 1A OP

Description: Failed to keep complete records of tank-truck VOC transfers.

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 1040, SC 4H PERMIT
22110, SC 5H PERMIT

O-01593, SC 12A OP

Description: Failed to tag visually leaking fugitive emission components.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-01593, General Terms and Conditions OP

Description: Failed to report excess opacity events.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.48b(b)(1)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 20040 and PSD-TX-801, SC 13 PERMIT

20040 and PSD-TX-801, SC 2 PERMIT

O-01593, SC 12A OP

O-01593, SC 1A OP

O-01593, SC 1G OP

Description: Failed to record complete emissions data.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.131(a)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-01593, SC 1A OP

Description: Failed to limit vent gas pressure.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.121(6)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-01593, SC 1A OP

Description: Failed to limit opacity.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-01593, SC 2F OP

Description: Failed to report excess opacity events.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(e)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 2.F. OP

Description: Failed to report excess opacity events that were not properly reported to the TCEQ Regional Office.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

30 TAC Chapter 113, SubChapter C 113.100

30 TAC Chapter 113, SubChapter C 113.260

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 38755 AND N016, SC 3 PERMIT

38755 AND N016, SC 5 PERMIT

O-02294, SC 1A OP
O-02294, SC 1D OP
O-02294, SC 1E OP
O-02294, SC 9A OP

Description: Failed to properly operate the 850 Unit Flare (Unit ID 2Q504).

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.136(a)(2)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-01593, SC 1A OP

Description: Failed to properly monitor emissions control devices.

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: STC - Additional Monitoring Requirements OP

Description: Failed to keep hourly thermocouple monitoring records for the 850 Unit Flare.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)

30 TAC Chapter 113, SubChapter C 113.260
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT U 63.502(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 38755 AND N016, SC 3 PERMIT
38755 AND N016, SC 9E PERMIT

O-02294, SC 1A OP
O-02294, SC 1D OP

Description: Failed to install a second valve, a blind flange, or a tightly-fitting plug or cap on open ended lines
install a second valve, a blind flange, or a tightly-fitting plug or cap on open ended lines in the 850 Unit.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-02994, SC 1A OP

Description: Failed to record the time of day in the log of daily flare observations for the 850 Unit Flare.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 113, SubChapter C 113.260

30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT U 63.502(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 38755 and N016, SC 3 PERMIT
38755 and N016, SC 9N PERMIT

O-02294, SC 1A OP
O-02294, SC 1D OP
O-02294, SC 9A OP

Description: Failed to timely remonitor repaired leaking fugitive emission components.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

30 TAC Chapter 122, SubChapter B 122.146(2)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: General Terms and Conditions ("GTC") OP

Description: Failed to timely submit an ACC.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(15)

30 TAC Chapter 122, SubChapter B 122.143(4)

30 TAC Chapter 122, SubChapter B 122.165(a)(7)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Description: Failed to include a Certification by a Responsible Official form in a semiannual deviation report.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

30 TAC Chapter 122, SubChapter B 122.145(2)(A)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GTC OP

Description: Failed to report the untimely submittal of an ACC.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 1040, Special Condition (SC) 1 PERMIT

22110, SC 1 PERMIT

Description: Failed to comply with permitted emissions limits.

Effective Date: 12/20/2007

ADMINORDER 2007-0562-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 1593, General Terms and Conditions OP

1593, Special Terms and Conditions No.12 OP

22110, Special Condition No. 1 PERMIT

Description: Failure to maintain an emissions rate below an allowable emissions limit.

Effective Date: 01/28/2008

ADMINORDER 2007-0023-AIR-E

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

30 TAC Chapter 122, SubChapter B 122.146(2)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-01593 OP

Description: Failed to submit the Annual Compliance Certification ("ACC") on time.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 1040 PERMIT

22110 PERMIT

9481 PERMIT

O-01593 OP

O-01593, SC 12A OP

Description: Failed to operate the flare with a NHV of 300 British Thermal Units ("BTU") per standard cubic foot ("scf") or greater.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 56473 PERMIT
O-01593 OP

O-01593, SC 12A OP

Description: Failed to sample the main cooling tower daily.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260
30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT U 63.502(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 22110 PERMIT
56473 PERMIT

9481 PERMIT

O-01593 OP

O-01593, SC 12A OP

O-01593, SC 1D OP

Description: Failed to seal open-ended lines containing hazardous air pollutants ("HAPS").

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 20040/PSD-TX-801 PERMIT
O-01593 OP

O-01593, SC 12A OP

Description: Failed to maintain a permitted limit during a compliance test.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-01593 OP
O-01593, SC 1D OP

Description: Failed to conduct quarterly sampling at a cooling tower.

Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.260
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-01593 OP
O-01593, SC 1D OP

Description: Failed to report a flare outage.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	03/27/2003	(26346)
2	03/31/2003	(157867)
3	04/21/2003	(157872)
4	05/23/2003	(157876)
5	05/29/2003	(246539)
6	06/26/2003	(157880)

7	08/22/2003	(134113)
8	08/25/2003	(295295)
9	09/22/2003	(295298)
10	10/17/2003	(250603)
11	10/24/2003	(295300)
12	10/31/2003	(253397)
13	11/21/2003	(295301)
14	12/29/2003	(295302)
15	12/29/2003	(258619)
16	12/29/2003	(258630)
17	12/29/2003	(258266)
18	12/30/2003	(258239)
19	12/30/2003	(258248)
20	12/30/2003	(258271)
21	01/07/2004	(259027)
22	01/26/2004	(295303)
23	01/30/2004	(261356)
24	03/01/2004	(295285)
25	03/26/2004	(295287)
26	03/30/2004	(264485)
27	03/30/2004	(264124)
28	04/22/2004	(295288)
29	05/20/2004	(266811)
30	05/25/2004	(295290)
31	05/26/2004	(263609)
32	06/17/2004	(270331)
33	06/22/2004	(272522)
34	06/22/2004	(295292)
35	07/26/2004	(284568)
36	07/26/2004	(284582)
37	07/26/2004	(284587)
38	07/27/2004	(352027)
39	07/30/2004	(284505)
40	08/05/2004	(274526)
41	08/09/2004	(277704)
42	08/09/2004	(277706)
43	08/17/2004	(290283)
44	08/26/2004	(352028)
45	09/20/2004	(352029)
46	10/04/2004	(336372)
47	10/20/2004	(292090)
48	10/20/2004	(352030)
49	10/22/2004	(290284)
50	11/10/2004	(338350)
51	11/22/2004	(290285)
52	11/30/2004	(381823)
53	12/20/2004	(381824)
54	12/27/2004	(344086)
55	01/09/2005	(339077)
56	01/26/2005	(381825)
57	02/24/2005	(345426)
58	02/25/2005	(381821)
59	03/21/2005	(381822)
60	03/23/2005	(351195)
61	03/23/2005	(351073)
62	03/23/2005	(348563)
63	03/23/2005	(351192)
64	03/23/2005	(351066)
65	04/26/2005	(419656)
66	05/03/2005	(379563)
67	05/06/2005	(372977)
68	05/24/2005	(419657)
69	05/31/2005	(393287)
70	05/31/2005	(393084)
71	05/31/2005	(393132)
72	05/31/2005	(392738)
73	06/03/2005	(393156)

74	06/03/2005	(381386)
75	06/03/2005	(393130)
76	06/16/2005	(394991)
77	06/16/2005	(394994)
78	06/21/2005	(419658)
79	07/25/2005	(440796)
80	08/23/2005	(440797)
81	08/30/2005	(401255)
82	08/30/2005	(406535)
83	08/30/2005	(406353)
84	08/31/2005	(337086)
85	09/19/2005	(440798)
86	10/21/2005	(440799)
87	11/15/2005	(436481)
88	11/28/2005	(468360)
89	12/07/2005	(436010)
90	12/12/2005	(434977)
91	12/16/2005	(436674)
92	12/21/2005	(468361)
93	01/27/2006	(468362)
94	02/10/2006	(449822)
95	02/22/2006	(468357)
96	02/28/2006	(455554)
97	02/28/2006	(454886)
98	02/28/2006	(455901)
99	03/13/2006	(468358)
100	03/14/2006	(453724)
101	03/24/2006	(452002)
102	04/17/2006	(468359)
103	05/01/2006	(461205)
104	05/04/2006	(461223)
105	05/04/2006	(461197)
106	05/04/2006	(461228)
107	05/05/2006	(458334)
108	05/05/2006	(461465)
109	05/05/2006	(458422)
110	05/17/2006	(498150)
111	06/19/2006	(498151)
112	06/21/2006	(464306)
113	07/18/2006	(498152)
114	07/31/2006	(489267)
115	08/16/2006	(520161)
116	09/14/2006	(520162)
117	09/15/2006	(520164)
118	10/12/2006	(520163)
119	10/29/2006	(515490)
120	11/10/2006	(544444)
121	11/16/2006	(515476)
122	12/15/2006	(544445)
123	12/20/2006	(533147)
124	12/20/2006	(519278)
125	12/20/2006	(519272)
126	12/22/2006	(532306)
127	01/05/2007	(553665)
128	01/31/2007	(532541)
129	02/13/2007	(544443)
130	03/12/2007	(575215)
131	03/22/2007	(538478)
132	03/26/2007	(543692)
133	04/16/2007	(575216)
134	05/03/2007	(557379)
135	05/09/2007	(575217)
136	06/13/2007	(575218)
137	07/13/2007	(575219)
138	08/06/2007	(575220)
139	08/14/2007	(607534)
140	08/14/2007	(565668)

141 10/04/2007 (571703)
 142 10/10/2007 (607535)
 143 11/19/2007 (619491)
 144 11/28/2007 (610167)
 145 12/14/2007 (619492)
 146 01/10/2008 (619493)
 147 02/29/2008 (618153)
 148 02/29/2008 (619147)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date	05/29/2003	(246539)		
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			
Date	06/30/2003	(157884)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	08/22/2003	(134113)		
Self Report?	NO		Classification	Moderate
Rqmt Prov:	OP TPDES 00519-00 OP TPDES 00519-000			
Description:	Failure by Goodyear Beaumont Chemical Plant to prevent the unauthorized discharge of wastewater.			
Self Report?	NO		Classification	Moderate
Rqmt Prov:	OP TPDES 00519-000			
Description:	Failure by Goodyear Beaumont Chemical Plant to prevent the discharge of foam and floating solids in other than trace amounts.			
Self Report?	NO		Classification	Minor
Rqmt Prov:	OP TPDES 00519-000			
Description:	Failure by Goodyear Beaumont Chemical Plant to ensure that test procedures for the analysis of pollutants comply with procedures specified in 30 TAC 319.11-319.12.			
Self Report?	NO		Classification	Moderate
Rqmt Prov:	OP TPDES 00519-000			
Description:	Failure by Goodyear Beaumont Chemical Plant to prevent the unauthorized discharge of wastewater.			
Self Report?	NO		Classification	Moderate
Rqmt Prov:	OP TPDES 00519-000 OP TPDES Permit 00519-000			
Description:	Failure by Goodyear Beaumont Chemical Plant to prevent the unauthorized discharge of wastewater.			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			
Rqmt Prov:	OP TPDES Permit No. 0519-000			
Description:	Failure by Beaumont Chemical Plant to prevent the unauthorized discharge of wastewater.			
Date	05/31/2004	(295292)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	07/31/2004	(352028)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	08/06/2004	(274526)		
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 113, SubChapter C 113.260 30 TAC Chapter 116, SubChapter B 116.115(c) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(c)(2) 5C THC Chapter 382, SubChapter A 382.085(b)			

Rqmt Prov:	PERMIT 38755 and N016, SC 3		
Description:	Failure to perform a first attempt at repair within 5 calendar days.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 113, SubChapter C 113.260 30 TAC Chapter 116, SubChapter B 116.115(c) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT 38755 and N016, SC 3		
Description:	Failure to properly seal the end of a line containing Hazardous Air Pollutants (HAPs).		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 113, SubChapter C 113.260 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT 38755 AND N016, SC 3 OP O-02294, SC 1D OP O-02294, SC 9A		
Description:	Failure to properly seal the end of a line containing HAPs.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 113, SubChapter C 113.260 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(d) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT 38755 and N016, SC 3 PERMIT 38755 and N016, SC 9H OP O-02294, SC 1D OP O-02294, SC 9A		
Description:	Failure to comply with the 5 and 15 day requirements for 3 leaking connectors.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 113, SubChapter C 113.260 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT 38755 and N016, SC 3 OP O-02294, SC 1D OP O-02294, SC 9A		
Description:	Failure to submit the 40 CFR 63, Subpart U, Periodic Reports in a timely manner.		
Date	11/30/2004	(381824)	
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	02/28/2005	(381822)	
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	01/31/2006	(468357)	
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	02/10/2006	(449822)	
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	OP 2294, General Terms and Conditions OP 2294, Special Term and Condition 1A		
Description:	Failure to complete the daily notation of the flare operation log for at least 98% of the required observations.		

Date	07/31/2006	(520161)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			
	TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	10/31/2006	(544444)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			
	TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	01/05/2007	(553665)		
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			
	30 TAC Chapter 305, SubChapter F 305.125(17)			
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			
Date	02/28/2007	(575215)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			
	TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	03/31/2007	(575216)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			
	TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	05/03/2007	(557379)		
Self Report?	NO		Classification	Moderate
Rqmt Prov:	PERMIT OpR 1			
Description:	Failure by Goodyear Tire & Rubber Company to properly maintain units of conveyance. On 03/13/2007, the 840/880 Ditch was observed to be heavily laden with debris.			
Self Report?	NO		Classification	Moderate
Rqmt Prov:	PERMIT OpR 1			
Description:	Failure by Goodyear Tire & Rubber Company to properly maintain units of treatment. On 03/13/2007, Clarifier 3U505 was observed to have significant corrosion on the sawtooth effluent weir. The clarifier also supported solidified foam and vegetative growth in the perimeter weir troughs.			
Self Report?	NO		Classification	Moderate
Rqmt Prov:	PERMIT OpR 1.			
Description:	Failure by Goodyear Tire & Rubber to properly maintain units of treatment. On 03/13/2007, excessive corrosion was observed attacking the West Domestic Wastewater Treatment Plant.			
Self Report?	NO		Classification	Minor
Rqmt Prov:	PERMIT OpR 1			
Description:	Failure by Goodyear Tire & Rubber Company to properly maintain units of treatment. On 03/13/2007, overspray of activated sludge was observed at the West Domestic Wastewater Treatment Plant.			
Self Report?	NO		Classification	Moderate
Rqmt Prov:	PERMIT OpR 1			
Description:	Failure by Goodyear Tire & Rubber to properly operate units of treatment. On 03/13/2007, a water hose was left "on" and was unattended at the East Domestic Wastewater Treatment Plant.			
Date	06/30/2007	(575219)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			
	TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	07/31/2007	(607534)		
Self Report?	YES		Classification	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a)			
	30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	09/30/2007	(607535)		

Self Report?	YES	Classification	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	12/31/2007 (619493)		
Self Report?	YES	Classification	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	02/29/2008 (619215)		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.145(2)(A) 5C THSC Chapter 382 382.085(b)		
Rqmt Prov:	OP 1593, General Terms and Conditions		
Description:	Failure to report deviations in Semi-Annual Deviation Reports (SDRs). MOD(2)(B) EIC B19.g.(1)		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.146(1) 30 TAC Chapter 122, SubChapter B 122.146(5)(D) 5C THSC Chapter 382 382.085(b)		
Rqmt Prov:	OP 1593, General Terms and Conditions		
Description:	Failure to accurately certify compliance in the Annual Compliance Certification (ACC). MOD(2)(B) EIC B3		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b)		
Rqmt Prov:	OP 1593, General Terms and Conditions OP 1593, Special Terms and Conditions 12 PERMIT 56473, Special Condition 6		
Description:	Failure to comply with permitted firing rate for a boiler. EIC B13 MOD(2)(D)		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 113, SubChapter C 113.130 30 TAC Chapter 113, SubChapter C 113.260 30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.502(a) 5C THSC Chapter 382 382.085(b)		
Rqmt Prov:	OP 1593, General Terms and Conditions OP 1593, Special Terms and Conditions 1.A. OP 1593, Special Terms and Conditions 12 PERMIT 22110, Special Condition 5.E. PERMIT 9481, Special Condition 7.E.		
Description:	Failure to seal several open-ended lines with a cap, plug, or blind flange. EIC C10 MIN(3)(D)		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 113, SubChapter C 113.100 30 TAC Chapter 113, SubChapter C 113.260 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.481(f) 5C THSC Chapter 382 382.085(b)		
Rqmt Prov:	OP 2294, General Terms and Conditions OP 2294, Special Terms and Conditions 1.D. OP 2294, Special Terms and Conditions 9 PERMIT 38755, Special Condition 3.A.		

Description: Failure to maintain the minimum net heating value of gas being combusted for a flare at or above 300 British thermal units per standard cubic feet (Btu/scf). MOD (2)(G) EIC B18

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING THE
GOODYEAR TIRE & RUBBER
COMPANY
RN102561925**

§
§
§
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§

**BEFORE THE

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2008-0451-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding The Goodyear Tire & Rubber Company ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent, appear before the Commission and together stipulate that:

1. The Respondent owns and operates a rubber manufacturing plant at 11241 Interstate Highway 10 in Beaumont, Jefferson County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about March 5, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Sixteen Thousand Six Hundred Fifty Dollars (\$16,650) is assessed by the Commission in settlement of the violations alleged in Section II

("Allegations"). The Respondent has paid Six Thousand Six Hundred Sixty Dollars (\$6,660) of the administrative penalty and Three Thousand Three Hundred Thirty Dollars (\$3,330) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Six Thousand Six Hundred Sixty Dollars (\$6,660) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to adhere to the permitted weekly maximum allowable emission rate averages at the 840 Unit Finishing Process [Emission Point Number ("EPN") 236F] and the 880 Unit Finishing Process (EPN 286F), in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c), 122.143(4), Air Permit No. 9481, Special Condition Nos. 1 and 6, Federal Operating Permit No. O-01593, General Terms and Conditions, Special Condition No. 12, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented by the record review on February 8, 2008. Specifically, EPN 236F is limited to an average of 149.0 pounds per hour (lbs./hr.) of volatile organic compounds ("VOCs") and EPN 286F is limited to an average of 188.1 lbs./hr. of VOCs. EPN 236F's emission average for the week ending January 25, 2007 was 182.0 lbs./hr. (32 lbs./hr. over the permitted allowable limit), and the average for the week ending February 1, 2007 was 206.6 lbs./hr. (57.6 lbs./hr. over the permitted allowable limit); and EPN No. 286F's emission average for the week ending May 31, 2007 was 230.6 lbs./hr. (42.5 lbs./hr. over the permitted allowable limit).

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: The Goodyear Tire & Rubber Company, Docket No. 2008-0451-AIR-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6, Jurisdiction and Stipulations above, Six Thousand Six Hundred Sixty Dollars (\$6,660) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, conduct training for all Plant personnel responsible for maintaining the permitted weekly emission rates for EPN 236F and 286F in order to prevent further emission rate exceedances; and
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation to demonstrate compliance with Ordering Provision No. 3. a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P. O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Air Section Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1892

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

The Goodyear Tire & Rubber Company
DOCKET NO. 2008-0451-AIR-E
Page 5

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director


8/25/2008
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

08/11/08
Date

Bradley E. Joerger
Name (Printed or typed)
Authorized Representative of
The Goodyear Tire & Rubber Company

Plant Manager
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2008-0451-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	The Goodyear Tire & Rubber Company
Payable Penalty Amount:	Thirteen Thousand Three Hundred Twenty Dollars (\$13,320)
SEP Amount:	Six Thousand Six Hundred Sixty Dollars (\$6,660)
Type of SEP:	Pre-approved
Third-Party Recipient:	South East Texas Regional Planning Commission-West Port Arthur Home Energy Efficiency Program
Location of SEP:	Jefferson County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to conduct home energy audits and to assist low income residents in the West Port Arthur area by weatherizing their homes which will improve their homes' energy efficiency. SEP monies will be used to pay for the cost of caulking and insulating homes, replacing heating and cooling systems and major appliances with new, energy efficient equipment.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter, volatile organic compounds, and nitrogen oxides associated with the combustion of fuel and generation of electricity. Additionally, the improvements will improve homes as shelters for responding to emergency releases.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

South East Texas Regional Planning Commission
Transportation and Environmental Resources
Bob Dickenson, Director
2210 Eastex Freeway
Beaumont, Texas 77703

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

